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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): H. KAGAWA, et al
Serial No.: 09/353,777
Filed: July 15, 1999
For: REFLECTION-TYPE, LIQUID CRYSTAL DISPLAY DEVICE
AND PROCESS FOR PRODUCING THE SAME
Group: 2871
Examiner: Z. Qi

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RESPONSE

Commissioner for Patents
Washington, D.C. 20231

August 28, 2002

Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated July 29, 2002.

The requirement for restriction to one of the inventions identified as invention I - claims 1-17, 18-24 and 26-29, drawn to a reflection-type liquid crystal display device, classified in class 349, subclass 113, and invention II - claims 19-28, drawn to a process for producing a reflection-type liquid crystal display device, classified in class 349, subclass 187, is traversed as being improper, as set forth, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants note that the Examiner identifies for both invention I and invention II identical claims including claims 19-24 and 26-28. Since the Examiner considers such claims to be part of invention I as well as part of invention II, it is apparent that the restriction requirement is improper and should be withdrawn, noting that the same area of search is necessarily required for the identified claims.

Assuming arguendo that the Examiner has properly classified inventions I and II as being related as process of making and product made, since identical claims are indicated as being both part of invention I and invention II, it is evident that the requirements for distinctness in accordance with MPEP §806.05(f) cannot be shown in terms of the process as claimed and the product as claimed. In this regard, it is noted that the Examiner has included process claims in invention I which is evidence of the lack of distinctness. Thus, applicants submit that the restriction requirement as set forth is improper, and the Examiner has failed to show distinctness in accordance with the requirements of MPEP §806.05(f). Accordingly, withdrawal of the restriction requirement is respectfully requested.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, invention I, as identified by the Examiner, as including claims 1-17, 18-24 and 26-29.

The Examiner has also set forth an election of species requirement if invention I is elected. The Examiner has required an election of species of species (1) a color filter is provided between the light reflector section and the liquid crystal layer [claim 5; Fig. 4]; and species (2) a color filter is provided between the substrate confronted with the light reflector section as formed thereon and the liquid crystal layer [claim 6; Fig. 5].

As recognized by the Examiner, upon allowance of a generic claim, claims to additional species will be considered with the Examiner indicating that currently, claim 1 appears to be generic. Applicants submit that additional generic claims are present in this application, in that any claim not defining species (1) or (2) is necessarily a generic claim. Since none of the claims have been rejected, applicants submit that claim 1 as well as other generic claims are present in this application and are allowable, such that the requirement for election of species should be withdrawn.

In order to provide a complete response to the election requirement, applicants provisionally elect, with traverse, species (2) and submit that of the claims

identified by the Examiner as being part of invention I, claims 1-4, 6-17, 18-24 and 26-29 are readable on the elected species (2).

In view of the above remarks, applicants request withdrawal of the restriction and election requirement, and favorable action with respect to all claims present in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.37406X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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